

Remarks

Claims 1-17 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

In an effort to facilitate prosecution, Applicant has amended claims 1, 10 and 15 to indicate that the network is a wireless network. Applicant has also made various other minor Amendments, such as to replace means language. As the Application should now be in a condition for allowance, Applicant respectfully requests entrance of the amendments.

In the Final Office Action dated April 2, 2008, the following rejection is present: claims 1-17 stand rejected under 35 U.S.C. § 102(e) over the Szymanski reference (US Patent 6,851,086).

Applicant respectfully submits that the rejection under 35 U.S.C. § 102(e) over the Szymanski reference cannot stand because the rejection relies upon an improper interpretation of the claim limitations. The Examiner appears to erroneously assert that the repeater and the transmitter can be one-in-the-same (“repeater is a transmitter which is equivalent to a transmitter as disclosed in Szymanski”). In doing so, the Examiner fails to address the limitations that require that the repeater be located on a path that is between the transmitter and the receiver. Applicant respectfully submits that it is not possible for a transmitter and a repeater to be the same item where the repeater must be located between the transmitter and the receiver. Similarly, claims 10 and 15 each include limitations directed to a repeater node that transmits data packets, received from a transmitter node. Accordingly, the Examiner’s rejection is improper and Applicant respectfully requests that the rejection be reversed.

Moreover, the Examiner has failed to show correspondence to the data packet being transmitted on multiple paths of a network and between the transmitter and the receiver. As discussed in the cited portion at column 11, lines 14-45 and shown in the related FIG. 1, the transmitter and receiver are connected by a single (*e.g.*, fiber optic) path. This is also supported by the cited portion at column 35, lines 49-56 and the related FIG. 39. Moreover, Applicant respectfully submits that the claims require more than just identifying multiple paths (which has not been shown), they also require that a particular

data packet is transmitted from the transmitter to the receiver along multiple paths. The fiber-optic receivers and transmitters taught by Szymanski and relied upon by the Examiner do not provide correspondence to such transmitting of a data packet on multiple paths.

Accordingly, the rejection of each of the claims is improper and Applicant respectfully requests that the rejections be withdrawn.

In further support of differences between the cited prior art and the claimed invention, Applicant respectfully submits that, in several instances, the pertinence of the cited portions is not readily apparent with respect to the Examiner's rejections of the dependent claims. In order to comply with 35 U.S.C. § 132, sufficient detail must be provided by the Examiner regarding the alleged correspondence between the claimed invention and the cited reference to enable Applicant to adequately respond to the rejections. *See, also*, 37 CFR 1.104 ("The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.") and M.P.E.P. § 706.02(j), ("It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.") While the dependent claims are believed to be allowable for the reasons discussed above, the following examples are presented to show some of the inconsistencies between the cited teachings of Szymanski and the claimed invention.

Regarding claims 2 and 3, Applicant respectfully submits that the cited portions fail to teach that all repeater nodes retransmit or that the transmitter and a repeater node both retransmit. The cited portion (column 28, lines 20-39) discusses packet selection protocol in a single transmitter, and as such, the pertinence of the citation is not readily apparent to limitations directed to all of the repeater nodes forwarding the data packet or to retransmission by both a transmitter and a repeater.

Regarding claim 4, Applicant notes that the cited portion teaches that the transmitter does transmit in the event that the receiver issues a NACK. The limitations of claim 4 are directed to not transmitting after an issued NACK. Accordingly, the rejection is improper.

Regarding claim 5, the cited portion teaches that received ACKs can be prioritized and served accordingly. The limitations of claim 5 are directed to not listening to NACK signals. Accordingly, the rejection is improper.

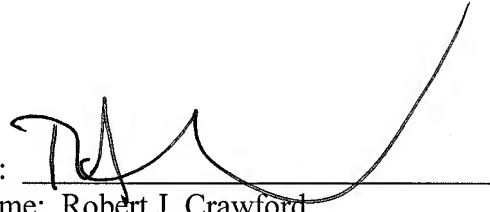
Regarding claim 6, the cited portion relates to a data switch and optical transmitters. Claim 6 includes limitations directed to using more than one path for a data packet sent from a repeater, which is not supported in the cited portions. Accordingly, the rejection is improper.

Regarding claims 9 and 17, Applicant notes that the cited portion teaches a "Stop and Wait" ARQ system in which the transmitter waits until receiving an ACK. Because the transmitter is taught to be dependent upon the receiver by waiting for an ACK, Applicant submits that this portion does not teach waiting a predetermined amount of time, much less two different predetermined time intervals. Accordingly, the rejection is improper.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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